

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SARA CALDWELL	:	CIVIL ACTION
	:	
v.	:	
	:	
TOWNSHIP OF MIDDLETOWN	:	NO. 13-762

ORDER

AND NOW, this 25th day of November, 2013, upon consideration of Defendant's Motion to Dismiss Plaintiff's Complaint (Docket No. 6), and all documents filed in connection therewith, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Motion to Dismiss is **GRANTED** as to the Complaint's Second Claim for Relief and the Second Claim for Relief is **DISMISSED**.

2. The Motion to Dismiss is **GRANTED** as to the Complaint's request for a Declaration "that the acts and practices complained of [in the Complaint] are in violation of Plaintiff's rights as secured by the 5th Amendment of the United States Constitution"

3. The Motion to Dismiss is **GRANTED** as to the Complaint's request for a Declaration "that the acts and practices complained of [in the Complaint] are in violation of the Plaintiff's rights as secured by the 14th Amendment of the United States Constitution by denying Plaintiff her procedural due process rights there under."

4. The Motion to Dismiss is **DENIED** as to the Complaint's First Claim for Relief.

IT IS FURTHER ORDERED that Defendant's Motion for Leave to File a Reply Brief (Docket No. 8) is **GRANTED**. The Clerk shall docket the Reply Brief that is attached as Exhibit A to that Motion.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.